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LAW OFFICES

PATENT, TRADEMARK AND OTHER
INTELLECTUAL PROPERTY MATTERS

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October 15, 1998

VIA FACSIMILE AND U.S. MAIL
Facsimile No. 703.308.7952

Attn: Craig Kleinberg
U.S. Patent and Trademark Office
Board of Patent Appeals and Interferences
Washington, D.C. 20231

BOARD OF PATENT
APPEALS &
INTERFERENCES

OCT 15 1998

Re: Ex Parte Alan N. Schwartz and Thomas D. Theisen
Appeal No. 98-2031
Patent Application Serial No. 08/794,154
Our Reference: SWTZ-1-12205

Dear Mr. Kleinberg:

Pursuant to our telephone conversation on Thursday, October 15, 1998, enclosed please find a Petition requesting that the above-identified application be remanded to the Examiner, Peter Nerbun, for entry of an amendment canceling claims in the above-referenced application, so those claims may issue in co-pending Application No. 09/069,706. Thank you for your assistance in this matter. Please call if you have any questions.

Sincerely yours,

CHRISTENSEN O'CONNOR
JOHNSON & KINDNESS^{PLC}

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Enclosure:

Petition

cc: Alan N. Schwartz, M.D.